

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE SMITH,	)	3:13-cv-00202-MMD-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	March 3, 2014
	)	
HOMES, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Willie Smith, Pro Se (Telephonically)

COUNSEL FOR DEFENDANT(S): Raelene K. Palmer (Telephonically)

**MINUTES OF PROCEEDINGS: Motion Hearing**

9:58 a.m. Court convenes.

The court addresses defendants' Motion for Change of Venue (Doc. # 13).<sup>1</sup> The change of venue, if granted, would involve transferring this matter from the unofficial Northern Division of the United States District Court, District of Nevada ("Northern Division") to the unofficial Southern Division of the United States District Court, District of Nevada ("Southern Division").

The court initially notes that, pursuant to LR IA 8-1(a), plaintiff properly filed his civil rights action in the Northern Division because at the time of the commencement of his action he was housed at Ely State Prison, which is located in the unofficial Northern Division.

Having heard from the parties regarding the transfer, the court first expresses its concern that defendants' motion, if granted, may cause an unnecessary increase in the case load for the Southern Division.

The court briefly turns to review the criteria necessary for a favorable transfer of an action under 28 U.S.C. § 1404(a), which is the authority cited by defendants for changing venue in this matter. The court recognizes the merit of defendants' argument on promoting convenience to the parties and witnesses. However, in the court's experience, almost all inmate §1983 cases are

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<sup>1</sup> Plaintiff opposed defendants' motion (Doc. # 18) and defendants replied (Doc. # 28).

By: /s/  
Katie Lynn Ogden, Deputy Clerk